

(\$3,000) dollars because of being erroneously and improperly confined in the penitentiary for a term of years for which he was not sentenced, fixing the venue, and declaring an emergency."

And

S. B. No. 325, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail to construct their roads and branches or any part thereof within the time required by law, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 313, A bill to be entitled "An Act to appropriate ten thousand dollars (\$10,000) to purchase the Aitken collection of four thousand volumes on English literature, owned by H. B. Wrenn of Chicago, on which the University of Texas has an option to buy for twenty thousand dollars (\$20,000), and declaring an emergency."

S. B. No. 265, A bill to be entitled "An Act to amend Chapter 85 of the Acts of the Regular Session of the Thirty-third Legislature, entitled 'An Act to provide the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in subdivisions of Harris county,' and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### RECESS.

Mr. Bass moved that the House recess until 9:30 o'clock a. m. tomorrow.

Mr. Merriman moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Mr. Bonham moved that the House recess until 7:30 o'clock p. m. today.

The motion of Mr. Bass prevailed, and the House, accordingly, at 6 o'clock p. m., took recess until 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 342, "An Act to make certain emergency and supplemental appropriations out of the general revenues for the several institutions and departments of the State Government for the fiscal year ending August 31, 1921, and declaring an emergency,"

Have carefully examined same and find it correctly enrolled, and have this day, at 12:20 o'clock p. m., presented same to the Governor for his approval.

FAUBION, Chairman.

#### THIRTY-FIFTH DAY.

(Continued.)

(Wednesday, March 2, 1921.)

The House met at 10 o'clock a. m., and was called to order by Speaker Thomas.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Jones, it was ordered that Senate bill No. 325 be not printed.

On motion of Mr. Burmeister, it was ordered that Senate bill No. 29 be not printed.

On motion of Mr. Bryant, it was ordered that Senate bill No. 265 be not printed.

On motion of Mr. Melson, it was ordered that Senate bill No. 296 be not printed.

On motion of Mr. Stewart of Edwards, it was ordered that House bill No. 555 be not printed.

On motion of Mr. Morris of Medina, it was ordered that House bill No. 527 be not printed.

#### BILL ORDERED PRINTED.

Mr. Beavens moved that Senate bill No. 122 with majority adverse and minority favorable report, be printed.

Mr. Owen moved to table the motion to print the bill, and the motion to table was lost.

Question recurring on the motion to

print the bill, yeas and nays were demanded.

The motion to print prevailed by the following vote:

## Yeas—74.

Adams.	Mathes.
Baldwin.	Menking.
Beasley	Merriman.
of Hopkins.	Miller of Dallas.
Beavens.	Miller of Parker.
Branch.	Moore.
Brown.	Mott.
Bryant.	Neblett.
Burkett.	Patman.
Burmeister.	Perkins of Lamar.
Carpenter.	Perry.
Chitwood.	Pollard.
Coffee.	Pool.
Cummins.	Pope.
Curtis.	Quaid.
Darroch.	Quinn.
Duncan.	Rogers of Harris.
Edwards.	Rosser.
Fly.	Rountree.
Fugler.	Rowland.
Greer.	Seagler.
Hanna.	Sims.
Hardin.	Stevenson.
Henderson	Stewart
of McLennan.	of Edwards.
Henderson	Sweet of Brown.
of Marion.	Teer.
Hendricks.	Thomas
Hill.	of Limestone.
Horton.	Thomason.
Jones.	Thompson
Kacir.	of Harris.
Kellis.	Thompson
Kveton.	of Red River.
Laird.	Walker.
Lauderdale.	West.
Lindsey.	Westbrook.
McDaniel.	Williams
McFarlane.	of McLennan.
McKean.	Williams
Malone.	of Montgomery.
Martin.	

## Nays—38.

Aiken.	Grissom.
Baker.	Hall.
Barker.	Harrington.
Barrett of Bell.	King.
Barrett of Fannin.	Lawrence.
Bass.	Looney.
Binkley.	McCord.
Burns.	Marshall.
Childers.	Melson.
Crawford.	Morris of Medina.
Davis, John E.,	Morris
of Dallas.	of Montague.
Davis, John,	Owen.
of Dallas.	Quicksall.
Duffey.	Rice.
Faubion.	Rogers of Shelby.
Garrett.	Sneed.

Stewart of Reeves. Thrasher.  
Swann. Wallace.  
Sweet of Tarrant. Wright.  
Thorn.

## Present—Not Voting.

Perkins	Veatch.
of Cherokee.	Wessels.

## Absent.

Beasley	Johnson of Ellis.
of McCulloch.	Johnson
Black, O. B.,	of Wichita.
of Bexar.	Laney.
Black, W. A.,	Morgan.
of Bexar.	Satterwhite.
Bonham.	Schweppe.
Cox.	Smith.
Estes.	Stephens.
Johnson	Wadley.
of Gillespie.	Webb.

## Absent—Excused.

Brady.	Lackey.
Crumpton.	Leslie.
Dinkle.	McLeod.
Harrison.	Shearer.

HOUSE JOINT RESOLUTION NO. 11  
WITH SENATE AMENDMENTS.

Mr. Marshall called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. J. R. No. 11, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows, who have been citizens of Texas prior to January 1, 1910, providing that all soldiers, sailors and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of seven (7c) cents on the \$100 valuation of property in this State for the payment of such pension, providing that the Legislature may reduce the rate of pension for such purpose; fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof.

The Speaker laid the resolution before the House, and the Senate amendments were read.

The Clerk was directed to call the roll, and the House concurred in the Senate amendments by the following vote:

Yeas—117.

Adams.	McCord.
Aiken.	McDaniel.
Baker.	McFarlane.
Baldwin.	McKean.
Barker.	Malone.
Barrett of Bell.	Martin.
Barrett of Fannin.	Marshall.
Bass.	Mathes.
Beasley	Melson.
of Hopkins.	Merriman.
Beasley	Miller of Dallas.
of McCulloch.	Miller of Parker.
Beavens.	Moore.
Binkley.	Morris of Medina.
Bonham.	Morris
Branch.	of Montague.
Brown.	Mott.
Bryant.	Neblett.
Burkett.	Owen.
Burmeister.	Patman.
Burns.	Perkins
Carpenter.	of Cherokee.
Childers.	Perkins of Lamar.
Chitwood.	Perry.
Coffee.	Pollard.
Crawford.	Pool.
Cummins.	Pope.
Curtis.	Quaid.
Darroch.	Quicksall.
Davis, John E.,	Rice.
of Dallas.	Rogers of Harris.
Davis, John,	Rogers of Shelby.
of Dallas.	Rosser.
Duffey.	Rountree.
Duncan.	Rowland.
Edwards.	Satterwhite.
Estes.	Seagler.
Faubion.	Sims.
Fly.	Smith.
Fugler.	Sneed.
Garrett.	Stevenson.
Greer.	Stewart
Grissom.	of Edwards.
Hall.	Stewart of Reeves.
Hanna.	Swann.
Hardin.	Sweet of Brown.
Harrington.	Sweet of Tarrant.
Henderson.	Teer.
of McLennan.	Thomas
Henderson	of Limestone.
of Marion.	Thomason.
Hendricks.	Thompson
Hill.	of Harris.
Horton.	Thompson
Johnson of Ellis.	of Red River.
Johnson	Thorn.
of Wichita.	Thrasher.
Jones.	Walker.
Kacir.	Wallace.
Kellis.	Webb.
King.	West.
Laird.	Westbrook.
Lauderdale.	Williams
Lawrence.	of McLennan.
Lindsey.	

Williams	Wright.
of Montgomery.	

Nays—4.

Kveton.	Schweppe.
Looney.	Wessels.

Absent.

Black, O. B.,	Laney.
of Bexar.	Menking.
Black, W. A.,	Morgan.
of Bexar.	Quinn.
Cox.	Stephens.
Johnson	Veatch.
of Gillespie.	Wadley.

Absent—Excused.

Brady.	Lackey.
Crumpton.	Leslie.
Dinkle.	McLeod.
Harrison.	Shearer.

REQUESTING RETURN OF SENATE  
JOINT RESOLUTION NO. 1.

Mr. John Davis of Dallas moved that the Senate be requested to return Senate joint resolution No. 1 to the House for further consideration.

The motion prevailed.

REPORT OF COMMITTEE TO FRAME  
OLD CONFEDERATE FLAG.

Mr. Horton, chairman, submitted the following report which was read to the House:

Austin, Texas, March 2, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Dear Sir: We, your committee appointed to have framed the old Battle Flag of the First Texas Infantry of Hood's Brigade, have performed our duty.

The flag was framed by C. M. Miller of Austin, for which there was a charge of \$46.80.

We suggest that the survivors of the battle of Sharpsburg, Maryland, where this flag was last defended, towit: J. O. Bradfield, N. Hollingsworth, A. D. Oliphant and Captain W. H. Gaston, present this flag personally to the House and that J. O. Bradfield be requested to address the House.

HORTON,  
ROUNTREE,  
PERRY.

Question recurring on the report, it was adopted unanimously.

The Speaker then appointed Mr. Hor-

ton and Mr. Rountree as a committee to escort Mr. Bradfield and Mr. Hollingsworth to the Speaker's stand.

The committee having performed their duty, the Speaker presented Mr. Horton who introduced Mr. Bradfield and Mr. Hollingsworth to the House.

Mr. Bradfield and Mr. Hollingsworth then addressed the House.

#### DECLARATION OF TEXAS INDEPENDENCE READ.

In accordance with the provisions of a resolution heretofore adopted by the House, the Speaker directed the Clerk to read to the House the Texas Declaration of Independence.

The Declaration of Independence of Texas was then read to the House in full.

On conclusion of the reading of the Declaration of Independence, prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 2, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 148, A bill to be entitled "An Act to direct and authorize the county commissioners courts of all counties in the State of Texas to construct, at all points where county roads or State highways cross at grade a steam railroad or interurban line, a safety crossing device of any character which makes or tends to make automobiles or other vehicles reduce the speed when crossing said railroads or interurban lines, and to provide a penalty for drivers of automobiles, or other vehicles or other persons, for failing to use said device when constructed, and for destroying or mutilating said device, and declaring an emergency."

S. B. No. 181, A bill to be entitled "An Act providing for the creation of road districts, including one or more existing road districts and other territory in addition thereto, and for the issuance of bonds by such districts; providing for including within such districts any part of a road district or districts that overlap a levee district, drainage district or any other district created under laws passed pursuant to Section 52, Article 3, of the Constitu-

tion, and for the payment of bonded debts incurred by such road districts so encroached upon; providing for the construction and maintenance of roads outside the limits of a road district; providing that any county or road district acting under the provisions of Section 52 of Article 3 of the Constitution may create indebtedness for the purpose of maintaining roads upon a vote of a two-thirds majority of the resident property tax payers voting thereon who are qualified electors of such county or district; providing that any county operating under a special road law may avail itself of the provisions of this act, and declaring an emergency."

S. B. No. 242, A bill to be entitled "An Act to regulate granting restraining orders and injunctions to prevent orders of Railroad Commission becoming effective, providing for the giving of notice to defendants before temporary injunctions shall be granted and limiting the time the restraining orders may be effective, and declaring an emergency."

And has granted the request of the House for the return of Senate joint resolution No. 1.

Respectfully,

A. W. HOLT,  
Assistant Secretary of the Senate.

#### COMMUNICATION FROM HON. T. B. KING.

Mr. Fly submitted the following communication from Hon. T. B. King which was read to the House:

Stephenville, Texas, February 27, 1921.

To Hon. W. M. Fly and Other Honorable Members of the Thirty-seventh Legislature, Who Were Co-workers with Myself in the "Good Old Thirty-sixth," Austin, Texas.

Dear Sirs and Esteemed Friends: Replying to your favor inviting me to address members of the Thirty-seventh Legislature, let me sincerely say:

1. That I greatly regret that circumstances forbid my acceptance of you: greatly appreciated invitation—for I do sincerely appreciate it. Whilst our late Speaker of the Thirty-sixth no doubt wondrously enjoyed the fragrance arising from the incense of precious gifts offered by his co-workers on the altar of his brilliant speakership, yet I do doubt that he enjoyed such incense as much as I do the fragrance arising from the kindly words couched in your kindly invitation—for, of a truth they affected most pleasurably not only my mind, but my very heart.

However, it seems that the Divine Providence has allotted my lot, like that of Cincinnatus, in a "cabbage patch," so that I can no longer like you, enjoy the battle as did "Horatius at the bridge," and hence denied the pleasure, like you still have, of bringing the spoils, or rather the "bacon," of legislative battle, home.

2. Should you, or your children, or any of your honored friends, ever come out Erath county way, do not stop at some "Hash for Cash" hostelry, but pull the latch door of our little home, and come right in without knocking, and partake of a repast that will at least be seasoned with the sincerest hospitality, not only of myself but of Mrs. King, who joins me in greeting to you one and all.

Sincerely,  
THOS. B. KING,  
"Of Erath."

#### TENDERING RESPECTS TO HON. T. B. KING.

Mr. Curtis offered the following resolution:

Whereas, The House has just considered a communication from Hon. T. B. King of Erath county with much pleasure and profit; be it

Resolved, That we extend to this honored and revered veteran member of the Thirty-sixth Legislature our respects and best wishes and hope for him and his country a long continuance of his useful and honorable career; that we each and all accept his invitation to visit him and assure him that when any of us may be in Erath county we will call and pay our respects to the "King of Erath"; and that this resolution be incorporated in the Journal and a copy of same be sent by the Chief Clerk of this House to Mr. King.

Signed—Curtis, Speaker Thomas, Fly, Miller of Dallas, Pope of Nueces.

The resolution was read second time and was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 2, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 26, A bill to be entitled "An Act to regulate and supervise the sale and purchase in the State of Texas of stocks, stock certificates, bonds, debentures or other securities, and the

transaction of business in this State of persons, joint stock companies, common law trusts, co-partnerships, companies or other persons or organizations offering for sale in this State such securities excepting companies incorporated under the laws of the State of Texas, and declaring an emergency," with amendments.

H. B. No. 93, A bill to be entitled "An Act creating the LaGrange Independent School District in Fayette county, Texas; defining its boundaries; providing for a board of trustees in said district; providing that the present board of trustees shall continue in office until the expiration of their terms and their successors shall have been elected and qualified as provided by general law; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; declaring that all taxes or bonds heretofore voted upon the territory hereby incorporated as the LaGrange Independent School District shall remain in full force and effect; providing for the repeal of Chapter 2 of the Local and Special Laws passed by the Third Called Session of the Thirty-sixth Legislature, and declaring an emergency."

H. B. No. 132, A bill to be entitled "An Act to amend Chapter 85 of the Acts of the Regular Session of the Thirty-third Legislature, entitled 'An Act to provide the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in subdivisions of Harris county, and repealing all laws in conflict herewith, and declaring an emergency,'" with amendments.

H. B. No. 188, A bill to be entitled "An Act to amend Sections 2, 11, 13, 14, 15, 25 and 30 of Chapter 4 of the Special Laws of the Regular Session of the Thirty-fifth Legislature, entitled 'An Act to create a more efficient road law for Llano county, Texas, and to provide for the appointment of a superintendent of public roads, highways and bridges for Llano county, and to provide his qualifications, terms of office and salary, defining his duties and powers, and providing for punishment for violation of his duties; providing certain duties and powers of the commissioners court of said county, and fixing the compensation of the commissioners for inspecting the roads in their respective precincts; providing for the appointment of road overseers, defining their duties, fixing their compensation for certain labor, and providing for

punishment for violation of their duties; providing for persons subject to road duty in Llano county, and persons summoned to work the roads in said county to have the right to be relieved from the discharge of such duties upon the payment of specific sums of money herein stipulated, and providing for the accounting for and disposition to be made of the money so paid, and declaring an emergency."

H. B. No. 241, A bill to be entitled "An Act to repeal Chapter 60 of the Local and Special Laws of the Regular Session of the Thirty-sixth Legislature, approved March 13, 1919, creating a special road system for Falls county, and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act creating and incorporating Hale Center Independent School District in Hale county, Texas; defining its boundaries; vesting the title to all school property within its boundaries in said Hale Center Independent School District and its board of trustees; fixing liability for all debts and contracts of such school; vesting the control of the public schools within said district in a board of seven trustees; continuing in office the board of trustees of the present Hale Center Independent School District until the expiration of their terms of office; abolishing all other boards of trustees; conferring upon said district and its board of trustees all rights, powers, privileges and duties as are conferred by the general laws upon independent school districts created for school purposes only under the general law; providing that local maintenance taxes and bonds voted by the qualified voters of Hale Center Independent School District and other districts included within the district hereby created are hereby continued in full force and effect; providing for an assessor and collector of taxes and board of equalization; providing that said independent school district shall be liable for its pro rata part of any outstanding bonded indebtedness upon a part of any territory taken from any other school district; providing for transportation of school children; providing this act to be cumulative of general law now in force or hereafter to be enacted governing independent school districts, and declaring an emergency."

H. B. No. 336, A bill to be entitled "An Act to amend Chapter 72 of the Local and Special Laws of the Third Called Session of the Thirty-sixth Legislature, creating the Dalhart Consolidated Independent School District in

Dallam and Hartley counties, and declaring an emergency."

H. B. No. 357, A bill to be entitled "An Act to amend Section 12 of Chapter 95 of the Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-third Legislature, which was an act to create a road system for Navarro county, Texas, so as to more particularly define the membership of the boards of permanent road commissioners for road districts created in Navarro county, Texas."

H. B. No. 363, A bill to be entitled "An Act to create a more efficient and better road system for Brazos county, Texas; making county commissioners ex-officio road commissioners of their respective precincts; prescribing their duties of road overseers; providing a compensation of \$2.00 per day for overseers for each day's service per year in excess of five days; providing certain duties for county treasurer; providing for summoning of persons liable for road duty; providing that any person liable for road duty any year shall be exempt upon the payment of \$6.00 into the county treasury; providing for money payment in lieu of work after summons and before date of work; providing for the condemning of any land necessary for road purposes; providing this act is cumulative of the general laws, and fixing penalties, and declaring an emergency."

H. B. No. 390, A bill to be entitled "An Act creating the Saint Jo Independent School District in Montague county, Texas, out of the territory known as the Saint Jo Independent School District in said county, defining its boundaries and providing for the election of trustees therefor, and authorizing the board of trustees to levy, assess and collect special taxes; conferring upon the board of trustees plenary powers; providing authority to issue bonds for the purposes of purchasing school building sites, and erecting, furnishing and equipping school buildings within the said district; to levy taxes therefor, and to pay current expenses for the support and maintenance of said schools; providing for a board of equalization, and prescribing the duty and authority of said board, and further prescribing the duty and authority of said board of trustees, and declaring an emergency."

H. B. No. 424, A bill to be entitled "An Act creating the Woodville Independent School District in Tyler coun-

ty. Texas; defining its boundaries; providing for a board of trustees in said independent school district; conferring upon said district and its board of trustees the rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees, for the raising of revenues, issuing of bonds, building and maintaining schoolhouses, maintaining public free schools, declaring valid the local maintenance tax heretofore voted and now in effect in the territory included in the school district hereby created, repealing all laws in so far as they conflict herewith, and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 10 of the Acts of the Second Called Session of the Thirty-sixth Legislature, relating to the inspection of hides and animals, by striking therefrom the word 'Webb,' so as to include Webb among the counties subject to the provisions of Chapter 7, Title 125, of the Revised Civil Statutes of 1911, relating to regulations for the protection of stock raisers in certain localities, and declaring an emergency."

H. B. No. 463, A bill to be entitled "An Act amending Chapter 39, Local and Special Laws passed at the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, creating the Lorenzo Independent School District in Crosby and Lubbock counties, by adding thereto after Section 15 thereof a new Section 15a, providing that said Lorenzo Independent School District shall assume any and all outstanding indebtedness and bonds and interest thereon existing at the time of the incorporation of said district, created by Lorenzo County Line Common School District No. 2; making all such indebtedness binding and valid obligation of the Lorenzo Independent School District; validating all acts of the board of trustees of the Lorenzo Independent School District in making payments either of principal or interest on any such indebtedness, and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act creating and incorporating Cone Independent School District in Crosby county, Texas; defining the boundaries thereof; providing for a

board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds; providing for an assessor and collector of taxes and board of equalization; providing for the Cone Independent School District shall assume and discharge all valid outstanding bonds, obligations and indebtedness of Cone Common School District No. 5 in Crosby county; validating and continuing in force all taxes heretofore voted and now in force in said Common School District No. 5; providing that title to all property now vested in Cone Common School District No. 5 shall on the passage of this act vest in Cone Independent School District as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the general laws of Texas relating to independent school districts in matters where this act is silent; repealing all laws in conflict herewith; providing invalidation by the courts of any provision of this act shall not invalidate any remaining portion or provision, and declaring an emergency."

H. B. No. 466, A bill to be entitled "An Act to establish and redefine Rugby Common School District No. 40 of Red River county, Texas; to validate election heretofore held in said district for local taxes for the further maintenance of public free schools in said district; to validate election heretofore held in said district for the issuance of schoolhouse bonds in said district; to authorize the Attorney General of Texas to be governed by the metes and bounds as defined in this act in passing on the bond record made by virtue of said election for the issuance of said schoolhouse bonds; providing that said Rugby Common School District No. 40 in Red River county, Texas, shall be under the general laws of Texas with respect to common school districts when not in conflict with this act, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### HOUSE BILL NO. 7 ON ENGROSSMENT.

The House resumed consideration of pending unfinished business, same being

House bill No. 7, relating to the suspended sentence law, on its passage to engrossment,

The bill having been read second time on Thursday, February 17, with amendment by Mr. Miller of Dallas and substitute by Mr. Perkins of Cherokee for the amendment, pending.

Mr. Merriman moved the previous question on the pending amendments and the engrossment of the bill, and the motion was not seconded.

Mr. Darroch moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—60.

Aiken.	McCord.
Baldwin.	McDaniel.
Barker.	McFarlane.
Beavens.	Marshall.
Black, W. A.,	Menking.
of Bexar.	Merriman.
Bonham.	Miller of Dallas.
Bryant.	Mott.
Burkett.	Patman.
Burns.	Pollard.
Carpenter.	Pool.
Chitwood.	Quaid.
Cox.	Quinn.
Cummins.	Rogers of Harris.
Darroch.	Rowland.
Davis, John E.,	Satterwhite.
of Dallas.	Schweppe.
Edwards.	Seagler.
Fly.	Sims.
Hall.	Smith.
Hanna.	Teer.
Hardin.	Thomas
Henderson	of Limestone.
of McLennan.	Thomason.
Henderson	Thompson
of Marion.	of Harris.
Hendricks.	Thompson
Hill.	of Red River.
Horton.	Walker.
Johnson	Wessels.
of Gillespie.	Westbrook.
Jones.	Williams
Kacir.	of McLennan.
Kveton.	Williams
Laird.	of Montgomery.

## Nays—57.

Adams.	Branch.
Baker.	Brown.
Barrett of Bell.	Burmeister.
Barrett of Fannin.	Childers.
Bass.	Coffee.
Beasley	Crawford.
of Hopkins.	Curtis.
Beasley	Davis, John,
of McCulloch.	of Dallas.
Binkley.	Duffey.

Duncan.	Neblett.
Estes.	Owen.
Faubion.	Pope.
Fugler.	Quicksall.
Garrett.	Rice.
Grissom.	Rogers of Shelby.
Harrington.	Rosser.
Johnson	Rountree.
of Wichita.	Sneed.
Kellis.	Stephens.
King.	Stevenson.
Lauderdale.	Stewart of Reeves.
Lawrence.	Swann.
Looney.	Sweet of Brown.
McKean.	Sweet of Tarrant.
Martin.	Thorn.
Melson.	Veatch.
Miller of Parker.	Wallace.
Moore.	Webb.
Morris of Medina.	Wright.
Morris	
of Montague.	

## Absent.

Black, O. B.,	Morgan.
of Bexar.	Perkins of Lamar.
Johnson of Ellis.	Perry.
Laney.	Stewart
Lindsey.	of Edwards.
Malone.	Thrasher.
Mathes.	Wadley.

## Absent—Excused.

Brady.	Leslie.
Crumpton.	McLeod.
Dinkle.	Shearer.
Harrison.	

## Paired.

Mr. Perkins of Cherokee (present), who would vote "nay," with Mr. Lackey (absent), who would vote "yea."

Mr. West (present), who would vote "nay," with (Mr. Greer (absent), who would vote "yea."

Question—Shall the amendment be adopted?

## RECESS.

On motion of Mr. Pollard, the House at 12 o'clock m. took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

## RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

H. C. R. No. 26, Providing for adjournment sine die.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hendricks:

H. B. No. 568, A bill to be entitled "An Act making unlawful a nuisance and providing a means by which the same may be abated and enjoined; making the practice of lewdness, assignation or prostitution a nuisance; providing remedies and procedure designed to the end and purpose of the act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Burkett:

H. B. No. 569, A bill to be entitled "An Act fixing the compensation of the official shorthand reporters in the Eighty-eighth and Ninety-first Judicial Districts, Eastland county, Texas; prescribing the method of payment, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Thomas of Limestone and Mr. Rountree:

H. B. No. 570, A bill to be entitled "An Act making an appropriation of the sum of twenty-five hundred dollars or so much thereof as may be necessary, when supplemented by a like sum by Glenwood Cemetery Society or citizens, to erect a monument in Glenwood Cemetery, near Groesbeck, in Limestone county, Texas, to mark the graves of the heroes and martyrs who were slain by Indians in the defense of Fort Parker on May 18, 1836, and to create a commission for that purpose, and to erect such monument and for other purposes, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Thomas of Denton, Mr. Adams, and Mr. Curtis:

H. B. No. 571, A bill to be entitled "An Act providing for a board of permanent road commissioners for any political subdivision or defined district of Denton county, Texas, to have charge of the expenditure of the proceeds of any road bonds voted by such political subdivision or defined district, and the construction of roads or highways with

such proceeds in connection with the county commissioner of said political subdivision or defined district; providing for qualifications, compensation and bond of the members of such commission, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Hardin:

H. B. No. 572, A bill to be entitled "An Act relative to the salaries of those in public employment and of school teachers teaching in the public schools of this State, and declaring an emergency."

Referred to Committee on Education.

#### HOUSE JOINT RESOLUTION ON FIRST READING.

The follownig House joint resolution, introduced today, was laid before the House, read, first time, and referred to the appropriate committee, as follows:

By Mr. Rogers of Harris:

H. J. R. No. 29, To amend Section 2, Article 6. of the Constitution of the State of Texas, so that it shall hereafter, in substance, provide that every person, male and female, subject to no constitutional disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall reside in this State one year next preceding an election and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector of this State; provided that no person shall register as an elector of this State, or be allowed to vote in any election herein, unless he or she shall be able to read and write any section of the Constitution of the State of Texas, but no person who was, on January 1, 1866, or at any time prior thereto entitled to vote under any form of government, or who at that time resided in some foreign country and no lineal descendant of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such constitution; providing that electors shall vote in the election precinct of their residence; declaring that the electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; providing that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before

he or she shall offer to vote at any election in this State and shall hold a receipt showing that poll tax has been paid before the first day of February next preceding such election; declaring that if said voter shall have lost or misplaced such tax receipt, he or she shall be entitled to vote upon making affidavit that such tax receipt has been lost, which affidavit must be in writing and left with the judge of the election; and declaring that all laws now on the statutes relating to qualified voters and governing and regulating the elections shall remain in full force and effect until changed or modified by the Legislature, and declaring that this amendment to the Constitution shall be self-enacting.

Referred to Committee on Constitutional Amendments.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 2, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 41, A bill to be entitled "An Act to repeal Chapter 160 of the acts of the Regular Session of the Thirty-sixth Legislature, approved April 3, 1919, the same being 'An Act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor and fixing penalties for violating this act, etc., and declaring an emergency.'"

S. B. No. 51, A bill to be entitled "An Act to provide a systematic method of road maintenance; the creation of a patrol system for the care and upkeep of the public roads and highways of the State; providing for the office of county road superintendent, defining his duties and prescribing the duties and liabilities of all persons subject to road duty; further providing that short term convicts of the State may be worked upon the public roads; prescribing and fixing penalties for the violation or neglect of the duties here imposed; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 109, A bill to be entitled "An Act providing that freight charges on car loads of coal delivered at any point within the State of Texas, where

railroad track weighing scales are owned, or used, or maintained at the point of delivery, or in the line of transit, shall be based upon the actual weight of said coal; prescribing the manner of weighing such coal; providing a penalty for violation of any provision of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency," with engrossed rider.

S. B. No. 147, A bill to be entitled "An Act providing that when the person or property of anyone is injured or damaged through the negligence of another upon any public highway and by means of an automobile, truck or other motor driven vehicle owned by another and whether such automobile, truck or other motor vehicle is being operated at the time by the owner thereof or any other person, other than the person who, or whose property is injured or damaged, suit may be brought by the party in interest for the injury so sustained or the damages so done, and if a judgment therefor is obtained it shall be a first lien upon such automobile, truck or other motor vehicle, any contract lien thereon to the contrary notwithstanding. Upon the filing of such suit such automobile, truck or other motor driven vehicle may be attached by the plaintiff the same as if the damages in said suit were liquidated damages and thereafter said automobile, truck or other motor driven vehicle shall be dealt with in such suit as in other suits involving attachments for liquidated damages under existing laws, and declaring an emergency," with engrossed rider.

S. B. No. 285, A bill to be entitled "An Act to amend an act to reorganize the Twenty-seventh and Thirty-fifth Judicial Districts of the State of Texas and to fix the time of holding court therein as passed by the Twenty-ninth Legislature, Chapter 37; and to amend an act to reorganize the Thirty-fifth Judicial District; to name the counties composing the same; to fix the time of holding court therein, passed at the Second Called Session of the Thirty-fifth Legislature, being Chapter 3; and to amend an act to reorganize the Twenty-seventh and Thirty-fifth Judicial Districts; to name the counties composing the Twenty-seventh and Thirty-fifth Judicial Districts; to fix the time of holding court in the counties of said districts, being Chapter 61, as passed by the Regular Session of the Thirty-third Legislature; and to reorganize the Thirty-fifth Judicial District; to name the

counties composing the Thirty-fifth Judicial District; to fix the time of holding court in the counties of said Thirty-fifth Judicial District; to provide for the extension and return of process issued out of said court, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

And has refused to pass

S. B. No. 14, A bill to be entitled "An Act making it a felony for any ten or more persons to enter into an agreement by which it is sought to make less doubtful the result of any game of baseball or football, foot race or any other game or sport; prescribing penalties for violations hereof, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### HOUSE BILL NO. 7 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 7, relating to the suspended sentence law, on its passage to engrossment with amendment by Mr. Miller of Dallas, pending.

Mr. Hall offered the following amendment to the amendment:

Amend the amendment to House bill No. 7, in the House Journal of February 26, 1921, page 818, Chapter 1, by inserting after the word "defendant," in line 3 from the bottom of said page, the following:

"A suspended sentence shall in no case be agreed to but shall be resisted by the prosecuting attorney, nor shall any suspension be granted by the jury, until after a full hearing of the evidence and a full and complete argument upon the issue of the defendant's guilt has been presented to the jury by the prosecuting attorney, but in such argument, the fact that the defendant has applied for a suspended sentence shall not be presented or urged as evidence of guilt."

Signed—Hall, Bonham.

Mr. W. A. Black of Bexar moved the previous question on the pending amendments and the engrossment of the bill, and the motion was lost.

Mr. Westbrook moved the previous question on the amendment to the amendment, and the main question was ordered.

Question recurring on the amendment to the amendment, it was adopted.

Mr. Hill offered the following amendment to the amendment:

Amend amendment to House bill No.

7, as amended, by adding a new paragraph to be Section 3a after the paragraph defining "good behavior," which shall read as follows:

"At each term of the district court in each county the judge shall call the names of all persons whose sentence has been suspended, and the term of the sentence has not expired, in which case the person whose sentence has been suspended shall be required to either appear in person at such term of court, or have in the hands of the presiding judge a written statement of his behavior since the last term of court, which statement shall be signed by two reputable persons, and bearing a certificate of the district judge of the district in which such person then resides or is living, that said persons so signing said statement are reputable persons. Should any person whose sentence has been suspended fail to appear in person or make statement as above provided, the judge shall set aside the order suspending the sentence, and any such person shall be subject to arrest and confinement in the State penitentiary."

Mr. Bonham offered the following substitute for the amendment to the amendment:

Amend the amendment to House bill No. 7 by inserting as a new section of the bill to follow Section 7 of the bill as above amended, the following:

"Section 7a. Whenever any defendant is convicted by a jury and sentence upon such conviction and judgment is suspended by the court, then such defendant shall remain within the jurisdiction of said court during the period of such suspension unless upon leave granted by the judge of the court granting such suspended sentence, and shall report in person to the judge of the court suspending the sentence at such times as the judge may require during the period of such suspension, giving his postoffice address, character of employment and name and address of employer, if he is employed, and the amount of remuneration he receives; and should such defendant fail to make such report, or depart from the jurisdiction of the court without leave, as provided in this section, then the judge of the court granting such suspension shall cause a capias or other process to issue for the arrest of the defendant, and upon execution of such capias, or other proper process, and during a regular term of the court, shall pronounce sentence upon the original judgment of conviction in the same manner as if the sentence had not been suspended. Provided, that this section shall not be construed so as to bar the defendant from

showing good cause why he has not complied with the terms and requirements of this section, the sufficiency of which shall be determined by the judge of such court, and provided further, that the judgment suspending the sentence shall be conditioned upon the performance of the requirements of this section, as well as upon the good behavior of the defendant as defined in this act."

Question first recurring on the substitute, it was adopted.

The amendment to the amendment, as substituted, was then adopted.

Mr. Jones offered the following amendment to the amendment:

Amend House bill No. 7, as amended, by striking out Section 7 of the amendment and insert in lieu thereof the following:

"Section 7. When sentence is suspended, the defendant shall be released upon his entering into either a recognizance or bail bond in such sum as may be fixed by the court during such suspension, and payable to the State of Texas, conditioned for his 'good behavior' as defined in Section 3 of this act, and such bond may be recovered on by the State in the same manner as other recognizances or bail bonds. Such recognizance or bail bond shall be executed by the defendant and two or more sureties to be approved by the court."

The amendment was adopted.

Mr. Perkins of Cherokee offered the following amendment to the amendment:

Amend House bill No. 7 as amended in Journal, page 818, Section 1, line 6, by inserting after the word "abortion," the following: "Burglary, forgery, all felony theft, felony embezzlement, and rape," and by striking out the word "and" next before the word "abortion."

Mr. Miller of Dallas moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—52.

Baldwin.	Horton.
Barker.	Johnson
Beavens.	of Gillespie.
Bonham.	Jones.
Carpenter.	Kacir.
Chitwood.	Kveton.
Cox.	Lauderdale.
Garrett.	McCord.
Greer.	McDaniel.
Hall.	McFarlane.
Hanna.	Malone.
Hardin.	Marshall.
Henderson	Mathes.
of McLennan.	Menking.
Henderson	Merriman.
of Marion.	Miller of Dallas.

Mott.  
Patman.  
Pollard.  
Pool.  
Quaid.  
Quinn.  
Rogers of Harris.  
Rowland.  
Satterwhite.  
Schweppe.  
Sims.  
Smith.  
Stevenson.  
Stewart  
of Edwards.

Thomas  
of Limestone.  
Thompson  
of Harris.  
Thompson  
of Red River.  
Wadley.  
Walker.  
Wessels.  
Westbrook.  
Williams  
of McLennan.  
Williams  
of Montgomery.

Nays—62.

Adams.  
Aiken.  
Baker.  
Barrett of Bell.  
Barrett of Fannin.  
Bass.  
Beasley  
of Hopkins.  
Beasley  
of McCulloch.  
Binkley.  
Branch.  
Brown.  
Burmeister.  
Burns.  
Childers.  
Coffee.  
Crawford.  
Curtis.  
Davis, John E.,  
of Dallas.  
Davis, John,  
of Dallas.  
Duffey.  
Duncan.  
Edwards.  
Estes.  
Faubion.  
Fugler.  
Grissom.  
Harrington.  
Hill.  
Kellis.  
King.  
Laird.

Lawrence.  
Lindsey.  
Looney.  
McKean.  
Martin.  
Melson.  
Miller of Parker.  
Moore.  
Morris of Medina.  
Morris  
of Montague.  
Neblett.  
Owen.  
Perkins  
of Cherokee.  
Perkins of Lamar.  
Perry.  
Pope.  
Quicksall.  
Rice.  
Rogers of Shelby.  
Rosser.  
Rountree.  
Stephens.  
Stewart of Reeves.  
Swann.  
Sweet of Brown.  
Thomason.  
Thorn.  
Thrasher.  
Veatch.  
Wallace.  
Webb.  
Wright.

Present—Not Voting.

Bryant.

Absent.

Black, O. B., of Bexar.	Fly.
Black, W. A., of Bexar.	Johnson of Ellis.
Burkett.	Morgan.
	Sneed.
	Sweet of Tarrant.

Absent—Excused.

Brady.	Dinkle.
Crumpton.	Harrison.
Darroch.	Lackey.

Laney.  
Leslie.  
McLeod.

Seagler.  
Shearer.  
Teer.

Paired.

Mr. Cummins (present), who would vote "yea," with Mr. Johnson of Wichita (absent), who would vote "nay."

Mr. West (present), who would vote "nay," with Mr. Hendricks (absent), who would vote "yea."

Mr. Fugler offered the following substitute for the amendment to the amendment:

Amend the amendment, Section 1, page 818 of the Journal, by adding after the word "abortion" "and manslaughter," and strike out the word "and" before "abortion."

Mr. Morris of Medina moved the previous question on the substitute and the amendment to the amendment, and the main question was ordered.

Question first recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—64.

Mr. Speaker.	McDaniel.
Aiken.	McFarlane.
Baker.	McKean.
Barker.	Malone.
Beasley	Marshall.
of McCulloch.	Mathes.
Beavens.	Menking.
Bonham.	Merriman.
Burkett.	Miller of Dallas.
Carpenter.	Mott.
Chitwood.	Owen.
Cox.	Patman.
Crawford.	Pollard.
Cummins.	Pool.
Darroch.	Pope.
Edwards.	Quaid.
Fugler.	Quinn.
Greer.	Rogers of Harris.
Hall.	Rowland.
Hanna.	Satterwhite.
Hardin.	Schweppe.
Harrington.	Sims.
Henderson.	Smith.
of McLennan.	Stephens.
Henderson	Stevenson.
of Marion.	Stewart
Horton.	of Edwards.
Johnson	Teer.
of Gillespie.	Thompson
Johnson	of Harris.
of Wichita.	Wadley.
Jones.	Walker.
Kacir.	Wessels.
Kveton.	Westbrook.
Laird.	Williams
McCord.	of Montgomery.

Nays—63.

Adams.	Martin.
Baldwin.	Melson.
Barrett of Bell.	Miller of Parker.
Barrett of Fannin.	Moore.
Bass.	Morris of Medina.
Beasley	Morris
of Hopkins.	of Montague.
Binkley.	Neblett.
Black, W. A.,	Perkins
of Bexar.	of Cherokee.
Branch.	Perkins of Lamar.
Brown.	Perry.
Bryant.	Quicksall.
Burmeister.	Rice.
Burns.	Rogers of Shelby.
Childers.	Rosser.
Coffee.	Rountree.
Curtis.	Seagler.
Davis, John E.,	Sneed.
of Dallas.	Stewart of Reeves.
Davis, John,	Swann.
of Dallas.	Sweet of Brown.
Duffey.	Sweet of Tarrant.
Duncan.	Thomas
Estes.	of Limestone.
Faubion.	Thomason.
Fly.	Thompson
Garrett.	of Red River.
Grissom.	Thorn.
Hill.	Thrasher.
Kellis.	Veatch.
King.	Wallace.
Lauderdale.	Webb.
Lawrence.	Williams
Lindsey.	of McLennan.
Looney.	Wright.

Absent.

Black, O. B.,	Laney.
of Bexar.	Morgan.
Johnson of Ellis.	

Absent—Excused.

Brady.	Lackey.
Crumpton.	Leslie.
Dinkle.	McLeod.
Harrison.	Shearer.

Paired.

Mr. West (present), who would vote "nay," with Mr. Hendricks (absent), who would vote "yea."

Mr. Curtis called for a verification of the vote.

The Clerk was directed to call the roll of the members recorded as voting "yea."

The roll of "yeas" was called and found correct as first announced.

The Clerk was directed to call the roll of members recorded as voting "nay."

The roll of "nays" was called and found correct as first announced.

The verified vote stood as first announced—yeas 64, nays 63.

Reason for Vote.

I oppose the repealing of the suspended sentence law because I believe that the lawmakers who enacted the suspended sentence law were absolutely correct. Their acts coincided with correct principles of justice. They had a broad and correct perspective of the rights of human beings. The law which gives a man another chance is the correct doctrine, and follows the teachings of our God.

Any doctrine, dogma or preaching of philosophy that denies a human being the right to mend his ways is a false doctrine and should not be countenanced by any man who has or desires to have the proper respect for the rights of man. There is no greater teaching in the word of God than that which gives a man the right to "repent" and enter the kingdom of heaven. The repeal of the suspended sentence law takes that right away from a man who faces a charge before the tribunal of man. To allow the suspended sentence law to stand still corresponds with the rights and teachings of our Bible. Is it not better to follow the laws of God than it is to follow the minds of men who are suffering under the agitation of the supposed "crime wave," which is now ruining our State? Men under the excitement of this "crime wave" become a mob beyond the pale of reason; a mob who takes no cognizance of the principles laid down in the Bible. Man's reason may fail him, but the principles of God remain the same under any circumstances. It is a false dogma which takes from man the right to repent, before a penalty is actually imposed. If the man under suspended sentence fails to conduct himself as the law says he shall, he can then have his sentence put into operation. Has the law lost anything by giving a man a chance? The law still has him under observation. If a man fails it is then time enough to place him within the walls of our supposed reformatory at Huntsville.

There is at present a laxity of the moral courage and conscience of men, but in the end the moral conscience will revive and be better for the experience.

STEWART of Edwards.

Question recurring on the amendment to the amendment, as substituted, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—49.

Aiken.	Malone.
Barrett of Bell.	Mathes.
Beasley	Menking.
of McCulloch.	Miller of Dallas.
Beavens.	Owen.
Carpenter.	Patman.
Coffee.	Pollard.
Cummins.	Pool.
Darroch.	Pope.
Davis, John E.,	Quaid.
of Dallas.	Quinn.
Edwards.	Rogers of Harris.
Fugler.	Rogers of Shelby.
Greer.	Schweppe.
Hanna.	Sims.
Harrington.	Stephens.
Henderson	Stevenson.
of Marion.	Stewart of Reeves.
Horton.	Teer.
Johnson	Thomason.
of Gillespie.	Thompson
Jones.	of Harris.
Kacir.	Thrasher.
King.	Wessels.
Kveton.	Westbrook.
Laird.	Williams
Lindsey.	of Montgomery.
McCord.	

Nays—76.

Adams.	Hardin.
Baker.	Henderson
Baldwin.	of McLennan.
Barker.	Hill.
Barrett of Fannin.	Johnson
Bass.	of Wichita.
Beasley	Kellis.
of Hopkins.	Lauderdale.
Binkley.	Lawrence.
Black, W. A.,	Looney.
of Bexar.	McDaniel.
Bonham.	McFarlane.
Branch.	McKean.
Brown.	Martin.
Bryant.	Marshall.
Burkett.	Melson.
Burmeister.	Merriman.
Burns.	Miller of Parker.
Childers.	Moore.
Chitwood.	Morris of Medina.
Cox.	Morris
Crawford.	of Montague.
Curtis.	Mott.
Davis, John,	Neblett.
of Dallas.	Perkins
Duffey.	of Cherokee.
Duncan.	Perkins of Lamar.
Estes.	Perry.
Faubion.	Quicksall.
Fly.	Rice.
Garrett.	Rosser.
Grissom.	Rountree.
Hall.	Rowland.

Satterwhite.	Thorn.
Seagler.	Veatch.
Smith.	Wadley.
Sneed.	Walker.
Swann.	Wallace.
Sweet of Brown.	Webb.
Sweet of Tarrant.	Williams
Thomas	of McLennan.
of Limestone.	Wright.
Thompson	
of Red River.	

Absent.

Black, O. B.,	Morgan.
of Bexar.	Stewart
Johnson of Ellis.	of Edwards.
Laney.	

Absent—Excused.

Brady.	Lackey.
Crumpton.	Leslie.
Dinkle.	McLeod.
Harrison.	Shearer.

Paired.

Mr. West (present), who would vote "nay," with Mr. Hendricks (absent), who would vote "yea."

Mr. Wallace offered the following amendment to the amendment:

Amend the amendment to House bill No. 7 by adding at the end of Section 8, page 819 of House Journal, the following: "Provided, however, that none of the provisions herein for suspended sentences shall apply to violations of any law or laws prohibiting the manufacture, sale, barter, exchange, transporting, delivering, soliciting, taking orders for, furnishing, or possessing spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or any equipment for making such liquors."

Signed—Wallace, John Davis of Dallas, Rosser, Curtis.

Mr. Horton moved the previous question on the pending amendments and the bill, and the motion was not seconded.

Question recurring on the amendment to the amendment, it was adopted.

Mr. Barrett of Bell offered the following amendment to the amendment:

Amend the Miller amendment to House bill No. 7, Journal page 818, column 2, by adding at the end of Section 1 the following: "Provided, however, that no person over 23 years of age shall ever be allowed a suspended sentence in any case."

Mr. Merriman moved a call of the

House for the purpose of maintaining a quorum pending consideration of House bill No. 7, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the hall and instructed the Sergeant-at-Arms to lock all other doors leading from the hall, and stated that no member would be permitted to leave the hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

Mr. Fly moved the previous question on the pending amendments, and the main question was ordered.

Question first recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yeas—46.

Baker.	Johnson
Barker.	of Wichita.
Barrett of Bell.	Lauderdale.
Barrett of Fannin.	Looney.
Bass.	Martin.
Beasley	Melson.
of Hopkins.	Miller of Parker.
Beasley	Morris of Medina.
of McCulloch.	Neblett.
Binkley.	Owen.
Branch.	Perkins
Burmeister.	of Cherokee.
Burns.	Perry.
Coffee.	Quicksall.
Crawford.	Rice.
Curtis.	Rogers of Shelby.
Davis, John E.,	Rosser.
of Dallas.	Sneed.
Duffey.	Stephens.
Edwards.	Swann.
Faubion.	Sweet of Brown.
Fly.	Thorn.
Grissom.	Thrasher.
Harrington.	Veatch.
Hill.	Wallace.
Horton.	Webb.

Nays—77.

Adams.	Cox.
Aiken.	Cummins.
Baldwin.	Darroch.
Beavens.	Davis, John,
Black, W. A.,	of Dallas.
of Bexar.	Duncan.
Bonham.	Estes.
Brown.	Fugler.
Bryant.	Garrett.
Burkett.	Greer.
Carpenter.	Hall.
Childers.	Hanna.
Chitwood.	Hardin.

Henderson. of McLennan.	Quaid.
Henderson of Marion.	Quinn.
Johnson of Gillespie.	Rogers of Harris.
Jones.	Rowland.
Kacir.	Satterwhitie.
Kellis.	Schweppe.
King.	Seagler.
Kveton.	Sims.
Laird.	Smith.
Lawrence.	Stevenson.
Lindsey.	Stewart
McCord.	of Edwards.
McDaniel.	Stewart of Reeves.
McFarlane.	Sweet of Tarrant.
McKean.	Teer.
Malone.	Thomas
Marshall.	of Limestone.
Mathes.	Thomason.
Menking.	Thompson
Merriman.	of Harris.
Miller of Dallas.	Thompson
Moore.	of Red River.
Morris	Wadley.
of Montague.	Walker.
Mott.	Wessels.
Perkins of Lamar.	Westbrook.
Pollard.	Williams
Pool.	of McLennan.
	Williams
	of Montgomery.
	Wright.

## Absent.

Black, O. B., of Bexar.	Morgan.
Johnson of Ellis.	Patman.
Laney.	Pope.
	Rountree.

## Absent—Excused.

Brady.	Lackey.
Crumpton.	Leslie.
Dinkle.	McLeod.
Harrison.	Shearer.

## Paired.

Mr. West (present), who would vote "nay," with Mr. Hendricks (absent), who would vote "yea."

Question next recurring on the amendment by Mr. Miller of Dallas as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—68.

Barker.	Chitwood.
Beavens.	Cox.
Black, W. A., of Bexar.	Cummins.
Bonham.	Darroch.
Brown.	Davis, John, of Dallas.
Bryant.	Edwards.
Burkett.	Fly.
Burns.	Garrett.
Carpenter.	Greer.

Hall.	Pope.
Hanna.	Quaid.
Hardin.	Quinn.
Henderson of McLennan.	Rogers of Harris.
Henderson of Marion.	Rowland.
Horton.	Satterwhite.
Johnson	Schweppe.
of Gillespie.	Seagler.
Johnson	Sims.
of Wichita.	Smith.
Jones.	Sneed.
Kacir.	Stevenson.
Kellis.	Stewart
Kveton.	of Edwards.
Laird.	Teer.
Lindsey.	Thomas
McCord.	of Limestone.
McDaniel.	Thomason.
McKean.	Thompson
Malone.	of Harris.
Marshall.	Thompson
Mathes.	of Red River.
Menking.	Thrasher.
Miller of Dallas.	Wadley.
Morris	Walker.
of Montague.	Wessels.
Mott.	Westbrook.
Patman.	Williams
Pollard.	of McLennan.
Pool.	Williams
	of Montgomery.

## Nays—55.

Adams.	Lauderdale.
Aiken.	Lawrence.
Baker.	Looney.
Baldwin.	McFarlane.
Barrett of Bell.	Martin.
Barrett of Fannin.	Melson.
Bass.	Merriman.
Beasley	Miller of Parker.
of Hopkins.	Moore.
Beasley	Morris of Medina.
of McCulloch.	Neblett.
Binkley.	Owen.
Branch.	Perkins of Lamar.
Burmeister.	Perry.
Childers.	Quicksall.
Coffee.	Rice.
Crawford.	Rogers of Shelby.
Curtis.	Rosser.
Davis, John E., of Dallas.	Rountree.
Duffey.	Stephens.
Duncan.	Stewart of Reeves.
Estes.	Swann.
Faubion.	Sweet of Brown.
Fugler.	Sweet of Tarrant.
Grissom.	Thorn.
Harrington.	Veatch.
Hill.	Wallace.
King.	Webb.
	Wright.

## Present—Not Voting.

Perkins of Cherokee.

## Absent.

Black, O. B., of Bexar.	Johnson of Ellis. Laney.
Brady.	McLeod.
Dinkle.	Morgan.

## Absent—Excused.

Crumpton.	Leslie.
Harrison.	Shearer.
Lackey.	

## Paired.

Mr. West (present), who would vote "nay," with Mr. Hendricks (absent), who would vote "yea."

Mr. Miller of Dallas offered the following amendment to the bill:

Amend House bill No. 7 by striking out all above the enacting clause and substitute the following:

A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6 and 7 of Chapter 7, of the General Laws of the Regular Session of the Thirty-third Legislature approved February 11, 1913; providing for the suspension of sentence in certain cases of conviction of a felony for first offense, upon recommendation of the jury; for the submission of the issue to the jury by the court; to provide the duration of the suspension of sentence; to provide for bond or recognizance and for reports to the court by the defendant; for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony or of the crime of theft of property of the value of under fifty dollars or of embezzlement of property of the value of under fifty dollars; for the cumulation of punishment in such cases; for the granting of a new trial after suspension; the dismissal of the case in certain events after suspension; to repeal all laws and parts of laws in conflict herewith and providing for an emergency."

The amendment was adopted.

Mr. Williams of McLennan moved the previous question on the engrossment of the bill, and the main question was ordered.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

## Yeas—78.

Aiken.	Bryant.
Barrett of Fannin.	Burkett.
Beavens.	Burns.
Black, W. A., of Bexar.	Carpenter.
Bonham.	Chitwood.
Brown.	Coffee.
	Cox.

Cummins.	Patman.
Darroch.	Pollard.
Davis, John E., of Dallas.	Pool.
Davis, John, of Dallas.	Pope.
Faubion.	Quaid.
Fly.	Quinn.
Garrett.	Rice.
Greer.	Rogers of Harris.
Hall.	Rountree.
Henderson.	Rowland.
of McLennan.	Satterwhite.
Henderson of Marion.	Schweppe.
Horton.	Seagler.
Johnson of Gillespie.	Sims.
Johnson of Wichita.	Smith.
Jones.	Sneed.
Kacir.	Stephens.
Kellis.	Stevenson.
King.	Stewart
Kveton.	of Edwards.
Laird.	Stewart of Reeves.
Lindsey.	Teer.
McCord.	Thomas
McDaniel.	of Limestone.
McKean.	Thomason.
Malone.	Thompson
Marshall.	of Harris.
Mathes.	Thompson
Menking.	of Red River.
Miller of Dallas.	Thrasher.
Miller of Parker.	Wadley.
Morris	Walker.
of Montague.	Wessels.
Mott.	Westbrook.
	Williams
	of McLennan.
	Williams
	of Montgomery.
	Wright.

## Nays—47.

Adams.	Hill.
Baker.	Lauderdale.
Baldwin.	Lawrence.
Barker.	Looney.
Barrett of Bell.	McFarlane.
Bass.	Martin.
Beasley	Melson.
of Hopkins.	Merriman.
Beasley	Moore.
of McCulloch.	Morris of Medina.
Binkley.	Neblett.
Branch.	Owen.
Burmeister.	Perkins of Lamar.
Childers.	Perry.
Crawford.	Quicksall.
Curtis.	Rogers of Shelby.
Duffey.	Rosser.
Duncan.	Swann.
Edwards.	Sweet of Brown.
Estes.	Sweet of Tarrant.
Fugler.	Thorn.
Grissom.	Veatch.
Hanna.	Wallace.
Hardin.	Webb.
Harrington.	

## Absent.

Black, O. B.,           Laney.  
of Bexar.           Morgan.  
Johnson of Ellis.

## Absent—Excused.

Brady.           Leslie.  
Crumpton.       McLeod.  
Dinkle.          Shearer.  
Harrison.

## Paired.

Mr. Perkins of Cherokee (present), who would vote "nay," with Mr. Lackey (absent), who would vote "yea."

Mr. West (present), who would vote "nay," with Mr. Hendricks (absent), who would vote "yea."

## Reason for Vote.

I vote "yea" on the engrossment of the Miller amendment to House bill No. 7 because in my judgment, it is apparent that the House will not engross the original bill, and that if the amendment is not passed, there will be no change made in the suspended sentence law, which should be amended if we cannot repeal it. According to my judgment, the Miller amendment is an improvement of the present law, therefore my vote.

## MILLER of Parker.

Mr. Miller of Dallas moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 2, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 371, A bill to be entitled "An Act to create and establish the county of Kenedy out of territory taken from the existing counties of Cameron and Hidalgo; prescribing its area and boundaries; appointing commissioners to organize said county and prescribing their duties; providing for a division of said county into commissioners' and justices' precincts; providing for the holding of county and precinct elections for the election of county and precinct officers, and for the location of the county seat of said county; providing for the attaching of said county to the judicial, representative, senatorial and

congressional districts, and supreme judicial districts; providing for the assessment and collection of taxes, for the defraying of the expenses of organizing said county and for the payment of the proportion of the liabilities of the counties of Cameron and Hidalgo, chargeable, respectively, on the territory taken from them; repealing all laws and parts of laws in conflict herewith, and declaring an emergency," with amendments.

## Has adopted

S. C. R. No. 21, Requesting the Governor and Secretary of State to return House bill No. 324 for further consideration.

And has refused to pass to engrossment

S. B. No. 247, A bill to be entitled "An Act regulating the manufacture and sale of ice cream or fruit ice cream or nut ice cream in this State; prohibiting the sale of such products except under their true name, and providing for inspection thereof; prescribing a standard for ice cream or fruit ice cream or nut ice cream, providing for the pasteurization of same, making it unlawful to sell as ice cream, fruit ice cream or nut ice cream any product not conforming to standard prescribed in this act; authorizing the inspection and method of compliance with the law in this respect; prescribing the duty of the State Health Officer and his chemist, inspectors and other persons appointed by him in the enforcement of the provisions of this act; making it unlawful to obstruct the State Health Officer or those under his direction in exercising the powers conferred; providing penalties for violation of this act and making accumulative of all laws and parts of laws in this State, and declaring an emergency."

Respectfully,

A. W. HOLT,  
Assistant Secretary of the Senate.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 2, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 112, A bill to be entitled "An Act to amend Article 1121 of the Revised Civil Statutes of the State of Texas (prescribing the purposes for which private corporations may be organized) by adding thereto Section 81,

authorizing the organization of holding companies for the purpose of dealing in the capital stock, bonds, mortgages, debentures, notes and other securities and evidences of indebtedness of other corporations," with engrossed rider, the Senate having reconsidered the vote by which the Senate previously refused to pass the bill.

S. B. No. 288, A bill to be entitled "An Act providing that any corporation, partnership, joint stock association, trust estate engaged in business for profit, or any religious, educational, eleemosynary, charitable, benevolent institution or undertaking may be the beneficiary in any policy of insurance company, and shall have an insurable interest in the proceeds of said policy to the extent of the full face of same; and further providing that all corporations, partnerships, joint stock associations or trust estates doing business for profit, or any religious, educational, eleemosynary, charitable or benevolent institution or undertaking now designated as beneficiaries in policies of insurance heretofore issued by a legal reserve life insurance company, shall have an insurable interest in the proceeds of said policies for the full face of said policies, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 25, to Committee on Judicial Districts.

Senate bill No. 109, to Committee on Common Carriers.

Senate bill No. 147, to Judiciary Committee.

Senate bill No. 51, to Committee on Roads, Bridges and Ferries.

Senate bill No. 181, to Committee on Roads, Bridges and Ferries.

Senate bill No. 242, to Judiciary Committee.

Senate bill No. 148, to Committee on Criminal Jurisprudence.

Senate bill No. 41, to Committee on Labor.

Senate bill No. 288, to Committee on Insurance.

Senate bill No. 112, to Committee on Private and Municipal Corporations.

#### RECESS.

Mr. Mott moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Mr. Hill moved that the House recess until 9:30 o'clock a. m. tomorrow.

The motion to recess prevailed, and the House, accordingly, at 6:45 o'clock p. m., took recess until 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills, as follows:

Education: House bills Nos. 563, 559, 541, 564 and 510.

Public Lands and Buildings: House bill No. 561.

Game and Fisheries: House bill No. 545.

Constitutional Amendments: House joint resolution No. 28.

House joint resolution No. 27 was reported adversely by the Committee on Constitutional Amendments.

#### EXPLANATION OF VOTE.

I have found that I voted under a misunderstanding on the Perkins' substitute to House bill No. 7, intending to vote for the substitute, but find that I voted for a motion to table. I am in favor of repealing the suspended sentence.

HILL.

#### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 366, A bill to be entitled "An Act to amend Article 3867, Title 58, Chapter 3, of the Revised Civil Statutes of 1911, and Article 1175, Title 15, Chapter 4, of the Code of Criminal Procedure of 1911, providing for the increase of the fees of justices of the peace in this State in civil and criminal cases, and declaring an emergency,"

And find the same correctly engrossed.  
SNEED, Chairman.

Committee Room,  
Austin, Texas, March 1, 1921.

Hon. Charles G. Thomas, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and compared

H. B. No. 94, A bill to be entitled  
"An Act to apportion the State of  
Texas into senatorial districts, and de-  
claring what counties shall constitute  
each senatorial district, and creating an  
emergency,"

And find the same correctly engrossed.  
SNEED, Chairman.

Committee Room,  
Austin, Texas, March 1, 1921.

Hon. Charles G. Thomas, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and compared

H. B. No. 189, A bill to be entitled  
"An Act to amend Article 1546, of

Chapter 7, of the Revised Statutes,  
adopted at the Regular Session of the  
Thirty-second Legislature, 1911, entitled  
'Proceedings in Cases in the Supreme  
Court,'"

And find the same correctly engrossed.  
SNEED, Chairman.

#### REPORT OF COMMITTEE ON EN- ROLLED BILLS.

Committee Room,  
Austin, Texas, March 1, 1921.

Hon. Charles G. Thomas, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. C. R. No. 26, Be it resolved by the  
House of Representatives the Senate con-  
curring, That the Regular Session of the  
Thirty-seventh Legislature adjourn sine  
die March 12, 1921, at 12 o'clock noon,

Have carefully compared same and  
find it correctly enrolled.

FAUBION, Chairman.

# In Memory

of

## Hon. Champ Clark

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Mr. John E. Davis of Dallas offered the following resolution:

Whereas, The House of Representatives has learned with profound regret of the death at 2:10 p. m. today of Hon. Champ Clark, former Speaker of the House of Representatives of Congress, of which he was a member for twenty-six years, and whose long service was marked by distinguished ability and fidelity to duty in its highest conception; therefore, be it

Resolved, That in the death of this distinguished citizen, who belonged, not to Missouri alone, but to the country, the Democratic party and the Nation have lost a friend ever faithful to the important trusts imposed upon him; and be it further

Resolved, That a copy of these resolutions be sent to the family of the late distinguished statesman, that they be spread upon the Journal of the House today as an expression of our high regard for the life he lived and the service he rendered, and that when the House adjourn today, that it adjourn out of respect for his memory.

JOHN E. DAVIS of Dallas,  
MILLER of Dallas,  
JOHN DAVIS of Dallas,  
BONHAM,  
QUAID,  
ROUNTREE,  
CUMMINGS,  
QUICKSALL,  
COX.

The resolution was read second time and was adopted unanimously.